

REMARKS

Claims 1-32 and 39 were pending in this Application as of the Office Action mailed April 16, 2010. Claim 1 is amended with this Response. Claim 39 is cancelled.

Applicant respectfully thanks the Examiner for conducting a teleconference with Applicant's Representation on August 16, 2010. The above amendments and new claim were discussed during this teleconference. The Examiner's instant rejections will now be addressed in turn.

Objections to the Drawings

The Drawings have been objected to for allegedly failing to include every element of Applicant's claims. In Response, Applicant respectfully amends claim 1.

Rejections under 35 U.S.C. §112, first paragraph

Claims 1 and 11-14 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. In Response, Applicant respectfully amends claim 1.

Rejections under 35 U.S.C. §103(a)

Claims 1-5, 7, 9-14, 17-24, 26, and 39 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 1,032,436 to Smith ("Smith" hereinafter) in view of United States Patent No. 6,438,802 to Beeman ("Beeman" hereinafter) and United States Patent No. 4,907,582 to Meyerrose ("Meyerrose" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's amended claim 1 recites:

“said line retaining part comprising at least one groove for accommodating the line, each of said at least one grooves including a major longitudinal axis that corresponds to a major longitudinal axis of the medical line, each of said at least one grooves further including openings that open to an ambient environment at opposing groove sides, said openings and said groove sides being situated relatively parallel to said major longitudinal axis of said at least one groove,

wherein each opening is disposed to face the other opposing opening along an axis perpendicular to said major longitudinal axis of said at least one groove.”

None of Smith, Beeman, or Meyerrose, taken alone or in combination, teach a line retaining part with grooves that each include openings disposed on opposite sides thereof, parallel to a major longitudinal axis of the groove and a medical line insertable therein. On the contrary, Smith teaches each groove 16/19 and 24/25 to have one opening only (please see Figures 1-4), and Beeman and Meyerrose fail to remedy this deficiency in the Beeman does not teach any openings parallel to a longitudinal axis of the grooves 6 (the bolts 20 and hex nuts 16 close off any potential openings when the device is assembled), and Meyerrose teaches “grooves” 18 and 19 without any openings at all.

For at least the above reasons Applicant respectfully submits that the proposed combination of Smith, Beeman, and Meyerrose does not teach every element of Applicant's claims 1-5, 7, 9-14, 17-24, and 26 (claim 39 is cancelled). Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-5, 7, 9-14, 17-24, and 26, with respect to the proposed combination of Smith, Beeman, and Meyerrose. Since the proposed combination of Smith, Beeman, and Meyerrose fails to teach or suggest all of the limitations of claims 1-5, 7, 9-14, 17-24, and 26, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1, 31, and 32 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 4,820,274 to Choksi ("Choksi" hereinafter) in view of Beeman and Meyerrose. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's amended claim 1 recites:

"said line retaining part comprising at least one groove for accommodating the line, each of said at least one grooves including a major longitudinal axis that corresponds to a major longitudinal axis of the medical line, each of said at least one grooves further including openings that open to an ambient environment at opposing groove sides, said openings and said groove sides being situated relatively parallel to said major longitudinal axis of said at least one groove,

wherein each opening is disposed to face the other opposing opening along an axis perpendicular to said major longitudinal axis of said at least one groove."

None of Choksi, Beeman, or Meyerrose, taken alone or in combination, teach a line retaining part with grooves that each include openings disposed on opposite sides thereof, parallel to a major longitudinal axis of the groove and a medical line insertable therein. On the contrary, Choksi teaches each of grooves 24 and 26 to have one opening only (please see Figures 2 and 7), and Beeman and Meyerrose fail to remedy this deficiency in the Beeman does not teach any openings parallel to a longitudinal axis of the grooves 6 (the bolts 20 and hex nuts 16 close off any potential openings when the device is assembled), and Meyerrose teaches "grooves" 18 and

19 without any openings at all.

For at least the above reasons Applicant respectfully submits that the proposed combination of Choksi, Beeman, and Meyerrose does not teach every element of Applicant's claims 1, 31, and 32. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1, 31, and 32, with respect to the proposed combination of Choksi, Beeman, and Meyerrose. Since the proposed combination of Choksi, Beeman, and Meyerrose fails to teach or suggest all of the limitations of claims 1, 31, and 32, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman, Smith, Meyerrose and United States Patent No. 5,318,192 to Rebeyrolle ("Rebeyrolle" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 15 and 16 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith, Beeman, and Meyerrose does not teach every element of Applicant's claims 15 and 16. As neither Goebel nor Rebeyrolle remedy the deficiencies of Smith, Beeman, and Meyerrose, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claims 15 and 16, with respect to the proposed combination of Smith, Beeman, Meyerrose, Goebel, and Rebeyrolle. Since the proposed combination of Smith, Beeman, Meyerrose, Goebel, and Rebeyrolle fails to teach or

suggest all of the limitations of claims 15 and 16, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claim 25 has been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman Meyerrose and United States Patent No. 4,711,636 to Bierman ("Bierman" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 25 depends from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith, Beeman, and Meyerrose does not teach every element of Applicant's claim 25. As Bierman does not remedy the deficiencies of Smith, Beeman, and Meyerrose, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claim 25, with respect to the proposed combination of Smith, Beeman, Meyerrose, and Bierman. Since the proposed combination of Smith, Beeman, Meyerrose, and Bierman fails to teach or suggest all of the limitations of claim 25, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 27-30 have been rejected under 35 U.S.C. §103(a) as being obvious over Smith in

view of Beeman, Meyerrose, and United States Patent No. 4,944,924 to Mawhirt ("Mawhirt" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 27-30 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith, Beeman, and Meyerrose does not teach every element of Applicant's claims 27-30. As Mawhirt does not remedy the deficiencies of Smith, Beeman, and Meyerrose, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claims 27-30, with respect to the proposed combination of Smith, Beeman, Meyerrose, and Mawhirt. Since the proposed combination of Smith, Beeman, Meyerrose, and Mawhirt fails to teach or suggest all of the limitations of claims 27-30, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,
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